

AMENDMENT 2006-M-2 – BLUEBERRY FARM

DESCRIPTION: The owners of the Kennydale Blueberry Farm have requested a rezone from the current Resource Conservation (RC) zoning to either Residential- four units per net acre (R-4) or Residential- eight units per net acre (R-8). A rezone to R-8 would require an amendment to the Land Use Map in the Comprehensive Plan from a designation of Residential Low Density (RLD) to Single Family Residential (SFR).

ISSUE SUMMARY:

1. What is the appropriate zoning for the Blueberry Farm?
2. If rezoning the Blueberry Farm is considered, is a larger area suitable for rezone under the same criteria?

RECOMMENDATION SUMMARY: The Kennydale Blueberry Farm should be rezoned from RC to R-4. Consideration should be given to rezoning a larger portion of the surrounding neighborhood to R-4 from R-8.

ANALYSIS: The Kennydale Blueberry Farm was originally planted in the 1940s and has been in service as a u-pick farm ever since. Sue Larson-Kinzer and Darrell Kinzer, the current owners of the farm, have owned and operated the farm for the last two decades. They approached the City in Fall 2005 about rezoning their property. Since the Blueberry Farm was already part of a larger City-initiated review of lands designated as RLD, staff notified neighbors and began a preliminary analysis of the proposed rezone. Several interested parties submitted comments both for and against the potential rezone of the property. It was not possible to complete a thorough analysis prior to end of the year, so the issue was held for formal application and consideration during the 2006 Comprehensive Plan Amendment cycle.

The Blueberry Farm owners submitted a formal application. Their request for rezone is based upon the argument that the farm is currently spot zoned, and the current RC zoning has failed to protect it from incompatible land use changes in the surrounding area. Also, the applicants argue, the Comprehensive Plan Vision directs development at higher density than is allowed in the RC zone.

There has been a fair amount of land use change in the area surrounding the Blueberry Farm in the last two decades. Development around the farm has been allowed at the R-8 zoning standard. Increased impervious surface has increased storm water runoff. Development of the Heritage Glen plat, immediately northeast of the Blueberry Farm, required a major dewatering in order to construct basic infrastructure. The City eliminated the Higate lift-station and installed new sewer infrastructure. In total, piecemeal development has altered the hydrology of the area. At the Blueberry Farm, these changes have affected the viability of the blueberry bushes and made it difficult to continue the operation of the farm as a business.

RC zoning was created in 1992 as a way to protect and preserve lands for semi-rural agricultural use. Protection of critical areas and public open spaces was mentioned, but the primary purpose of the zone was to protect agricultural lands from adjacent uses which may interfere with the continued use of land for the production of food. The Blueberry Farm was

appropriately zoned RC at this time, based upon its agricultural use for the production of food. However, the purpose of the RC zone has changed over time. Protection of critical areas and open spaces is the primary purpose of the zone today. The continuation of small-scale farming operations is mentioned, but the language requiring the protection of agricultural lands from adjacent uses was repealed in 1995. In fact, the Comprehensive Plan now directs the City to minimize the effects of agriculture on adjacent residential uses in Policy LU-139.

At present time, the RC zone is only appropriate for the property if it continues to operate as a small scale agricultural operation, a public open space, or to protect a critical area. Property owners have concluded that their small u-pick business is no longer feasible in this location. Public open space may be a viable option if the City, or other community group, purchased the property and devoted the time and funds necessary to continue the use of the property as a public amenity. Absent the continuation of the use as a farming operation or a public amenity, however, the only purpose for which the property can remain zoned RC is for the protection of critical areas.

Critical areas are likely to exist on the property. The headwaters of Kennydale Creek, although not shown on any map, are attributed to this area of upper Kennydale. A class four stream runs through a hand dug ditch along the east and north sides of the property. According to critical areas regulations, a class four stream requires a 35 ft. buffer. In the City's mapping inventory, a potential wetland area is shown, covering a little more than one third of the property. The mapped wetland encompasses nearly all of the stream area on the Blueberry Farm property. However, the map also shows the potential wetland covering a much wider area, including several parcels in both the Higate and Heritage Glen plats, as well as covering about 350 ft. of NE 20th Street. Clearly, the presence and extent of a wetland in this area is in question.

A fair amount of work has been done to classify and delineate that portion of the wetland that lies north of the Blueberry Farm and NE 20th Street. In 1987, the Pohl short plat across the street from the Blueberry Farm noted the presence of a wetland and the generally poor drainage conditions. Regulations at that time did not require delineation of the wetland. In 1990, the environmental checklist from a City initiated culvert replacement did not characterize the area of the culvert, which takes the stream under NE 20th Street, as environmentally sensitive. A 1994 application for a long plat across the street from the Blueberry Farm by WA Developers, Inc. references a wetland report which found a Category III wetland on that property. Work done in 1999 and 2000 for the elimination of the Higate Lift Station, found some Category II wetlands on the north side of NE 20th Street as well. No wetland was found in the area of the Heritage Glen plat, but a native growth protection easement was set aside for the buffer of the wetlands previously delineated on adjacent property.

There has never been a wetland report or delineation done south of NE 20th Street in the area of the Higate plat or the Blueberry Farm. The Higate plat was fully developed before wetland protection was required. A sizable utilities and open space easement, about an acre in size, was created as part of the Higate plat. It shares almost the entire eastern property line of the Blueberry Farm. There doesn't appear to have been any regular maintenance or upkeep of this easement and a wintertime visit revealed that the easement appears to take up some of the

area's storm water. The Washington State Department of Transportation (WSDOT) did a preliminary evaluation of the Blueberry Farm property for use as off-site wetland mitigation as part of the Interstate 405 widening project. Based on aerial photos and observation from NE 20th Street, an experienced biologist with WSDOT indicated that the Blueberry Farm may contain a rare peat wetland habitat, or at the very least, had preserved some of the original peat and had conditions favorable to restoration. A geotechnical report on the property, done in 1983 for Schneider Homes, Inc. did find the presence of peat soils and a high water table, and the WSDOT analysis is consistent with this. The Blueberry Farm does contain a pond near the back of the property, located out of the mapped wetland area. However, it is important to note that the WSDOT biologist did not visit the site, take soil samples, or do any formal classification or delineation of the property.

Given this information, the following conclusions can be drawn. This area of Kennydale probably had many wetland features prior to residential development. Those features and functions have been lost over time as the land has been put to use for housing, roads, and agriculture. Small areas of wetlands do exist on some properties, but they have been classified as Category II and III, meaning that they have been disturbed and have reduced function. There may be a wetland on the Blueberry Farm, but without a formal delineation it is difficult to determine how much of the property could be a wetland and what type of wetland it may be.

Wetland determinations are not required for rezones or Comprehensive Plan amendments. However, calculating the developable area of a parcel using the mapped data is standard review procedure. The mapped wetland area is highly problematic and clearly does not accurately represent the wetlands in that area. It likely over estimates the size of any wetland area on the Blueberry Farm. On the map the wetland area is shown as consolidated on the property- taking up most of the eastern half of the parcel. Since the property has been in use for agriculture for more than 60 years, any wetland on the property is likely to be disturbed and have limited functionality. If the entire mapped wetland area was considered a Category III wetland, it would be required to have a 25 ft. buffer, leaving a developable area of 1.5 acres. If the entire mapped wetland area was considered a Category II wetland, it would be required to have a 50 ft. buffer, leaving a developable area of 1.15 acres.

Based on the available information on critical areas, the Comprehensive Plan Residential Single Family (RSF) designation is not appropriate for this property. It is the purpose of the RSF designation to build larger subdivisions, rehabilitate existing housing, and provide infill development. None of these purposes would be served by rezoning the Blueberry Farm. Alternatively, the purpose of the RLD designation, the development of lower intensity residential uses where land is constrained by sensitive areas, suits the property perfectly. Thus, since the property is already in the RLD designation, a Comprehensive Plan change for the Blueberry Farm property is not warranted.

There are three zones that implement the RLD Comprehensive Plan designation: the RC zone, the Residential- one unit per net acre (R-1) zone, and the Residential- four units per net acre (R-4) zone. Policy LU-135 in the Comprehensive Plan provides guidance for the mapping of these three zones.

For the purpose of mapping four dwelling units per net acre (4- du/ac) zone areas as contrasted with lower density Residential 1 (R-1) and Resource Conservation (RC_ areas, the prevalence of significant environmental constraints should be interpreted to mean:

- 1) Critical areas encumber a significant percentage of the gross area;*
- 2) Developable areas are separated from one another by pervasive critical areas or occur on isolated portions of the site and access limitations exist;*
- 3) The location of the sensitive area results in a non-contiguous development pattern;*
- 4) The area is a designated urban separator; or*
- 5) Application of the Critical Areas Ordinance setback/buffers and/or net density definition would create a situation where the allowed density could not be accommodated on the remaining net developable area without modifications or variances to other standards.*

The Blueberry Farm has not been designated as an urban separator in the Countywide Planning Policies, so criterion four does not apply. Mapped critical areas cover about 35 percent of gross area of the property. However, even accounting for possible buffers, the mapped developable area is a consolidated chunk of land including the entire west half of the parcel. There is potential access to over an acre of contiguous, developable land. Under an R-4 standard, between one and four dwelling units per acre would be allowed the potentially developable portion of the property. Given the consolidated nature of the mapped wetland, buffering and shielding of the critical area as required by the Renton Critical Areas Ordinance, should adequately protect it.

Based on a review of the criteria in policy LU-135, R-4 is the most appropriate zone for the Blueberry Farm property. In the purpose statement of the RLD land use designation, it notes that lands that can be adequately protected by critical areas regulations should be zoned R-4. R-4 zoning of the Blueberry Farm also meets the purpose of the zone as established in RMC 4-2-020 D. This section notes that the R-4 zone is established to promote single-family residences in urban neighborhoods with amenity open spaces. It is appropriate, then, to consider rezoning the Blueberry Farm property to R-4.

Rezoning the Blueberry Farm R-4 does not require a Comprehensive Plan amendment because the property is already designated for RLD land use. However, it does not make sense to rezone a single 3.4 acre piece of property. Spot zoning is generally undesirable if it provides different development options for similarly situated people and properties. The Blueberry Farm was originally spot zoned to protect the agricultural use, which was a valid reason for the spot zone. Given that the property is not feasible for commercial agriculture any longer, the development rules and regulations should be the same for the Blueberry Farm property as for the properties around it.

Properties around the Blueberry Farm are similarly situated. There are nine parcels over an acre in size within a quarter mile of the Blueberry Farm, and large parcel sizes are predominant in this area. Many of these parcels are subject to similar conditions as the Blueberry Farm, including the presence of the type four stream, identified wetland conditions (both mapped and confirmed), and being located at the “headwaters” of

Kennydale Creek. Some parcels also abut steep slopes along Interstate 405. Recent development of some of the surrounding land at the R-8 level of intensity has affected the hydrology of the area, suggesting that the R-8 zone may be too intense for this area.

Rezoning a larger portion of upper Kennydale to R-4 is recommended and would require an amendment to the Comprehensive Plan. The area is already consistent with the Comprehensive Plan RLD designation. Objective LU-EE calls for R-4 zoning in areas suitable for urban levels of service, but suitable for suburban estate style single family development. Most of upper Kennydale has already developed in the manner consistent with the RLD designation of the Comprehensive Plan. Existing development also is consistent with the R-4 zoning and development standards. R-4 zoning would preserve the existing large lot estate style development pattern.

There are a number of other benefits to an area rezone. Neighbors who sent letters and provided testimony in 2005, when the issue of rezoning the Blueberry Farm was first discussed, noted how much they enjoyed the open spaces and wildlife that used them. These parties were concerned about the effects of development downstream on Salmon in Lake Washington, about the loss of green and natural areas, hydrology changes, and the loss of wetlands. If less intense future development were allowed in a wider area, there would be greater preservation of open space amenities and less alteration of natural systems in the neighborhood. Thus, the community may benefit from a rezone of more than just the Blueberry Farm property.

CAPACITY ANALYSIS:

The area of upper Kennydale proposed for rezoning to R-4 currently is approximately 49 acres. It is estimated that there are currently 96 dwelling units. Under the current zoning, there is capacity for 205 total units (this includes the existing 96 units). Under the proposed zoning, there is capacity for 110 total units (including existing units). As a result, if the proposed zoning were to be enacted, there would be a reduction in future capacity of about 95 units. Citywide, there is enough capacity to accommodate this potential growth elsewhere.

COMPREHENSIVE PLAN COMPLIANCE: The proposed rezone of several blocks in upper Kennydale must meet at least one of the following criteria in RMC 4-9-020 G. It meets the criterion that the change supports the vision embodied in the Comprehensive Plan. The adopted Comprehensive Plan vision calls for a diversity of housing types to cater to the variety of needs and wants in the community. It also calls for a commitment to protect environmental quality in the City.

ZONING CONCURRENCY: This request complies with the decision criteria for rezones in RMC 4-9-180. It is compliant with the Comprehensive Plan and the proposed zoning is consistent with the adopted policies for the RLD land use designation. Although the Blueberry Farm property was reviewed during the 2005 Comprehensive Plan Amendment Cycle, the issue of its rezone was specifically held over until this year. Zoning of the property and the surrounding neighborhood has not been considered since 1992, when the Blueberry Farm was zoned RC.

CONCLUSION: Unless the Blueberry Farm property was to continue to be used for agriculture, or to be used as an open space, it does not fit with the RC zone. The property best meets the policies and purposes of the R-4 zone. However, much of the neighborhood surrounding the Blueberry Farm should be zoned R-4 also. This would provide the maximum environmental benefit, while still allowing minimum urban densities in the upper Kennydale area.